IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 57256-M of 2006

DATE OF DECISION : 06.02.2007

Abdul Rahim and others

.... PETITIONERS

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Pankaj Middha, Advocate,
for the petitioners.

Mr. Partap Singh, Senior DAG, Haryana.

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The petitioners have filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 591 dated 22.7.2006 under Sections Act No. 31/1946, under Section 3/14 of the Foreign Act, registered at Police Station City Panipat, District Panipat.

I have heard counsel for the parties and gone through the contents of the FIR.

The petitioners are in custody since 22.7.2006. The aforesaid FIR has been registered against them on the allegation that they are citizens of Bangla Desh, but are residing in this country, without any visa or passport. Petitioners No.3 to 5, who are daughters and son of petitioners No.1 and 2, are aged about 5, 2 ½ and 1 ½ years. Counsel for the petitioners, while referring to a ration card and the birth certificate, contends that the petitioners are residents of this country and they are not Bangla Deshies. On the other hand, counsel for the respondent-State disputes the validity and correctness of the ration card. No other offence is alleged to have been committed by the petitioners. Counsel for the respondent-State submits that deporting of the petitioners to their country will take long time.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioners and they are, accordingly, ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of the trial court.

February 06, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**